

PARKS, SPORTS & CULTURAL AFFAIRS COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Parks, Sports and Cultural Affairs of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **April 11, 2002**.

MEMBERS PRESENT:

Legislator Ginny Fields - Chairperson
Legislator Brian Foley
Legislator Angie Carpenter
Legislator Cameron Alden

MEMBER NOT PRESENT:

Legislator William Lindsay - Excused Absence

ALSO IN ATTENDANCE:

Paul Sabatino II - Counsel to the Legislature
Peter Scully - Commissioner of Parks
Nicole DeAngelo - County Executive's Office
Sean Clancy - Budget Review Office
Mary Skiber - Aide to Legislator Fields
Greg Lauri - Parks Department
Peter Dettori - R.E.A.L.I.
All other interested parties

MINUTES TAKEN BY:

Donna Barrett - Court Stenographer

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(*THE MEETING WAS CALLED TO ORDER AT 1:15 P.M.*)

CHAIRPERSON FIELDS:

Would the Legislators on the Parks Committee please report to the horseshoe, we're going to begin the meeting. Let's start the Pledge of Allegiance led by Commissioner Scully.

SALUTATION

CHAIRPERSON FIELDS:

We have one card, and it is Pete Dettori to talk about restrictions in Blydenburgh Park.

MR. DETTORI:

Good afternoon. I wanted to express my appreciation for the ability to participate and address everybody. My wife and I moved to Smithtown about ten years ago, and we find the Blydenburgh Park to be the crowning jewel in the park system. We absolutely love it there. Over the years I got involved with becoming a dog handler and a dog breeder. And the dog that I got involved with unfortunately has gained a reputation that strikes fear in the hearts of people, dare I say it. We started our dog club, the Rottweiler Enthusiasts Association of Long Island. And the basic mandate is to preserve and protect this noble breed by educating people, and we do it through confirmation shows. And I was actually shocked to find out that I couldn't hold one of our shows in Blydenburgh Park, which loans itself -- it's an excellent venue for it, it's gorgeous, lush, and it's the type of thing we wanted to bring to soften the reputation of breed. Our group does not the type of dog shows you may be used to. They do Seiger shows, which are German style.

CHAIRPERSON FIELDS:

What's the name of the show?

MR. DETTORI:

They are -- oh, S-e-i-g-e-r. These are the types of confirmation shows that are conducted in Germany. Every dog is critiqued, and the purpose behind it is to educate breeders who are campaigning their get as they watch the animal develop; what traits are improving and what traits are not improving, and for older dogs, to find compatible breeding partners to fix whatever problems exist in their lines to improve them. This goes to sound, body, making for a sound mind, better temperaments and the like. It also service in contrast to the AKC shows for spectators because they get to hear from the judge who's an expert in the breed as opposed to an American judge who's licensed to judge dogs why this dog is number one, why this dog wasn't number one, and so on and so forth.

Now, we believe that the County derives like an exponential benefit from these types of shows. And they do permit them out in Cathedral Pine Park, which is also another excellent venue. It's just oppressively far from the gateway to Long Island. It's -- a lot of people might get turned off from the distance. But we -- we really believe that when people come to these shows and hob-knob with the people who are the guardians of the breed who hold the same ethics that we do that if we find one family that says, you know, the

Rottweiler is too much dog for us, there would be one less potential bite, one less potential dog in County shelter, one less potential euthanization. And that basically is the purpose. And we have another benefit if the wrong person is really seeking out these particular dogs. The insiders talk to one another. So if somebody calls up who doesn't really seem right for the breed, we talk amongst ourselves, and this person may get discouraged, and, you know, go into beagles or something.

So that primarily is the reason why I'm here. Like I said, as I was reading the application for the permit, they don't permit electronic amplification, and I could understand that, there are residents

nearby, so on and so forth, but our PA system doesn't have enough wattage to light a bulb, so it's really not an issue. We finds that the facility just loans itself so perfect to what we want to do. And I wanted to bring this to your attention, and if there's any way that the argument makes sense enough to have enough weight so that we can try it, without disturbing the residents, without -- and leaving the facility in the shape we found it, we'd really appreciate it.

CHAIRPERSON FIELDS:

Commissioner Scully, could you come on up. Is there a reason why one park over another allows this kind of usage?

COMMISSIONER SCULLY:

The answer is probably. The -- first I have to tell that I'm not familiar with the organization, nor am I aware of any efforts by them, at least that I can recall, to get permission to utilize Blydenburgh for this purpose, and I certainly haven't spoken with the gentlemen. I guess I'll get an opportunity to do that today. And I will go back and take a look at the issue. The situation at Blydenburgh is a little bit complicated by the fact that in the 1980's, the department undertook some improvements aimed at increasing access across the -- one of the tributaries of the Nissequogue River, and the community was in an uproar at that time. That led to the development a master plan for Blydenburgh Park, which is unique among the major parks that we have. The point of which was carried out by the Planning Department was to restrict uses in the park, designate areas for conservation and what have you. The reason that that's important as it relates to dog related uses is that the department recently received a proposal to establish a dog park at Blydenburgh Park, and we're looking at that issue and that possibility, weighing it against the master plan at the request of Legislator Crecca's office. So those are the issues that are out there. We -- we do restrict certain activities to certain facilities because they're generators of concern impacts, in this case it may be noise. Quite honestly, I'm not sure why they would be denied that right at Blydenburgh, we'll find out. But I should also remind you that the park in question was designated last year as the first Green Park, I believe in the State of New York, utilizing electric powered equipment.

CHAIRPERSON FIELDS:

The first marine park?

COMMISSIONER SCULLY:

Green. Using electric powered equipment supplied by the Long Island

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Power Authority to enhance protection of the air resource by reducing emissions. And one of the benefits sited at the time was it would reduce noise impacts to park patrons as well. So those are issues of which -- with which you should be familiar. But I think it's safe to say had Mr. Dettori come to my office, I would have evaluated the proposal, and I'll do the same thing. If you'd like an answer back by the next meeting, I'll do that.

CHAIRPERSON FIELDS:

So I would recommend that you speak with the Commissioner, and see if you can work it out.

MR. DETTORI:

I sent an e-mail to one of the Legislators who instructed me to come here. I was not really schooled in the protocol as to --

CHAIRPERSON FIELDS:

Well, I'm glad you came because --

MR. DETTORI:

And I do appreciate it.

CHAIRPERSON FIELDS:

Okay. Thank you very much.

MR. DETTORI:

Thank you very much.

CHAIRPERSON FIELDS:

I guess we'll talk about the audit since we discussed at one of the General Meetings that when audits are completed, they would be forward to the Chairperson of that particular, audit and it would be discussed with the Commissioner to make sure that any recommendations from the audit are implemented or if there were any questions that could be asked and answered. So, Commissioner, I'd ask that you come back up and we just go quickly over the audit of the hotel-motel tax fund from the 1992 to -- October of '92 to June of 2001.

COMMISSIONER SCULLY:

Thank you. The fact is that, I guess, in total, there were three separate audits done related to the hotel-motel tax, one of which dealt with the LICVB itself, which is pertinent to the department as much as the other two. One of which was an audit of hotel-motel tax distributions to LICVB. And the final one, which is of most importance to us was an audit of the hotel-motel tax distribution to cultural affairs agencies and Parks Historic Services for the period of October 6th, 1992 through December 31st, 2000.

The timing of the audit from our standpoint I think was good. The reason being that it was only in 2001 that the Parks Department became responsible for administration of the hotel-motel tax as it relates to the LICVB. So from our standpoint the timing of the effort to get a better handle on how the hotel-motel tax is collected and administered was good. The audit as it related to the hotel-motel tax and our administration of same was well received by our office, largely for that reason, because the period in question, the period that was

generally accepting each and every recommendation indicating our intentions to comply with those.

So in closing, I may not be the best person to talk about the detail, but I'll do my best to try and answer any questions that you have. If I don't have the information with me, obviously, I will try to obtain it from the agencies involved. We have developed closer working relationship, I think, with the Treasurer's Office, which is responsible for the collections and with the County Executive's Budget Office over the past 12 months since we've worked to try and tighten things up so to speak. The history of the hotel-motel tax, as you know Legislator Fields, we discussed at the Trustees Meeting is such that the department at this point is receiving 16 2/3% of it, I guess, for historic purposes. Previously, we had received a little bit more than that. 67 1/3% goes to LICVB, and the other 16 2/3% goes for cultural affairs grants, which were administered by Economic Development still. So I don't have much more to add, but I'll try and answer any questions you may have.

CHAIRPERSON FIELDS:

I think as the year goes further we might revisit this issue and just kind of look at it a little more closely, but it didn't appear to be a problem when they did the audit. Any of the questions that were asked seemed to be responded to by the County Treasurer's Office. And if anybody else has any questions?

LEG. ALDEN:

Is there the audit where we're going to have to change the way that we actually report the income? Because isn't this the one where they remitted it -- it's supposed to be remitted on a certain basis like a monthly basis. So that's the Treasurer's Office that has to change, right?

COMMISSIONER SCULLY:

The collections are handled by the Treasurer's Office, and that's an issue we wouldn't be -- we're obviously very interested in to the extent that we do ultimately receive a percentage of what's remitted, but that we have no direct control over.

LEG. ALDEN:

On your part, the preservation of the historical land mark and things like that, you had to set up a separate fund, right? That was the recommendation of the audit?

COMMISSIONER SCULLY:

That's correct. Moving forward, I think we have a pretty clear picture that the hotel-motel tax would be collected and administered in a tighter fashion. A new fund, Fund 192 has been established for that purpose. So, yes, the answer is yes.

CHAIRPERSON FIELDS:

Just for the record, it says that the audit's sole recommendation was that this department issue monthly rather than quarterly reports, and this is written by John Cochran. He says, "we will begin to report

monthly starting this month" -- and this was written in January -- "so that the Department of Parks can allocate program expenditures more quickly, past practice has been to issue quarterly reports, this is because facilities are required by law to submit tax returns and payments by the 20th of March, June, September, and December, and because 98% of revenue is received at that time. Late payments averaging 2% of the quarter's receipts were reported in the following quarter's reports." So it did seem to answer any of the questions that the audit posed. So we'll leave --

MR. SABATINO:

Just an observation. The whole issue last year that chewed up two full committee meetings and generated the resolution was there was allegedly this overpayment to the Convention and Visitors Bureau, which generated the resolution that called for the audit. And there was a discrepancy as to whether it was, I don't know, 300,000 or 600,000. And then the Convention Bureau said they were going to go out and borrow the money to repay the County, but the audit seems to have not addressed any of those points, which was the purpose of the resolution.

LEG. ALDEN:

Actually, they had a -- there's a separate audit that's coming out or did out that addressed the overpayment. And I just started through that, I think they've identified somewhere between 300,000 and \$400,000 was the overpayment. And they've suspended payments to the Long Island Convention and Visitors Bureau. At this point, they're still under suspension, from I saw in the audit. But that was a separate one. This just created the Historic Trust, is that -- is that the right?

MR. SABATINO:

But this sites -- but this sites the resolution. This one sited the resolution that dealt with the other issue.

TABLED RESOLUTIONS

IR 1028. Requiring anti-theft cameras for County park concessionaires. (CARACCIOLO)

CHAIRPERSON FIELDS:

Okay. I guess we'll go right to the resolutions. IR 1028 -- you can stay up there. IR 1028 -- and just for the record, Legislator Lindsay has an excused absence for this meeting.

LEG. ALDEN:

At the last committee meeting, the Commissioner had indicated he was in discussions with Legislator Caracciolo. Is that still the case on this or do you feel that we should institute this?

COMMISSIONER SCULLY:

No. I would ask that the resolution be tabled. As I promised I would, we met with the Department of Audit and Control and the County Treasurer to talk about ways in which we could do a department-wide

assessment of the internal controls that we use and the equipment we have present at collection points. And it's a much larger job than we

had thought. And there is question as to whether or not any of the County agencies has the resources to undertake it. So my intention is to do a little bit more research and make some recommendations, which in the end analysis, if a study is completed, it may be recommended that cameras be installed some place. But I think that the problem -- not the problem, the issue is much larger than that. And so I'd ask that you table the resolution at this time. I haven't had the opportunity to discuss the results of my meeting with Legislator Caracciolo, but I will.

LEG. CARPENTER:
Motion to table.

LEG. FOLEY:
Second the tabling motion. If I may, Madam Chair. As the committee's probably aware, the -- you know, through the Budget Review, when they review the ferry applications there's always concerns about cash controls. As this resolution has concerns about cash controls within the Parks Department, the Budget Review Office had developed cash control requirements for a number of ferry operators. So I'm wondering whether or not the department has spoken with the Budget Review Office as to how the things that are required of ferry operations for their cash controls, which in some cases are very similar to your needs, particularly in parking lots and toll booths the same, whether or not the cash controls developed for that business, if you will, could also be applied to some of your camp sites. Have you spoken with Budget Review and Kevin Duffy in particular is the person -- whether or not if Budget Review wants to respond after hearing from the Commissioner about that very --

COMMISSIONER SCULLY:
No. We haven't done that, and that might be something that will be helpful for us to do. Preliminarily, and we can see just by broad view of the departments facilities and resources that modernization of the facilities at the various sites is probably in order. In the perfect world, we'd have sited all linked by data and lines and computers at every cash point. We certainly don't have, and that's that would require significant investment. I think that's the direction that we really need to go over. It's just a question of over what period of time. So I'd take the suggestion, and I will talk to Mr. Duffy.

LEG. FOLEY:
Madam Chair, can we hear from Budget Review?

MR. CLANCY:

As far as BRO is concerned, I have nothing to do with the ferry terminal. I can be in contact with Kevin Duffy and get that information --

LEG. FOLEY:

Yeah, that would be important because I don't know how high tech -- they may be highly technical in the controls they develop, they may be low tech, I don't know. But at least it would make sense to have -- have the two talk and that way, we may not have to reinvent the wheel, but at least for some of the -- some of the parks. Because I do have

some concerns about this tendency to place surveillance cameras at different places. If we can -- if we can meet the same end of cash controls without having to put up a surveillance camera, I think that would be the better alternative.

CHAIRPERSON FIELDS:

Legislator Alden.

LEG. ALDEN:

Commissioner, you mentioned before that you actually -- you've undergone or in the process of undergoing a study of this. Can we -- is there some kind of time frame we can expect a report on that?

COMMISSIONER SCULLY:

I meet -- I should have communicated more clearly. At the last committee meeting I said my intention was to meet with Audit and Control and the Treasurer's Office to talk about whether or not the was Comptroller's Office was equipped to undertake that type of review for us. And I think that there's some question as to whether or not they have the staff to do that. So that leaves us with, I think, the choice of either recommending the use of outside consultant to help us in that regard, or for us within the department to make a recommendation for improvements based on a review that we -- we may do ourselves. On the face of it and without getting into a great level of detail, we know that at our various park sites, we're operating with technology, which is somewhat outdated in terms of what's available there. And in a way, that's not much different than the way sites were operated in the 1970's and 1980's, and by that I mean at seasonal facilities we have individuals sitting in a little wooded building, collecting money without the benefit of a computer link to any central location. That's the type of facility that we'd really like to have. So the question becomes whether we need to study the situation to access it or whether to take a look at the overall system and say, you know what, it's 2002, and it makes sense to design a capital project aimed at designing an enhanced system. It may be that we're prepared to make -- to take that step without studying that

matter further. That would included, I think, necessarily a review in the way in which our various licensees handle monies and receive monies on our behalf as well.

LEG. ALDEN:

Because we just -- golf season just got underway, so that's, you know, it's going to get busier and busier as even the days pass on that. And I would imagine camping season is -- pretty much we're coming into the busy season there, right?

COMMISSIONER SCULLY:

Yes, we are.

LEG. ALDEN:

And then the beaches, of course, after Memorial Day, so it's -- it's kind of time sensitive.

COMMISSIONER SCULLY:

Well, I think that when we -- I first began discussing with Legislator Caracciolo we knew that it was not likely we were not going be able to

implement any real major changes in internal control in time for the season, but we also knew that to the extent that we wanted to move forward and access what the practices and conditions were, we couldn't do that unless the season were operating. In other words, we have to see how -- how things are operating in order to access the way that we're -- they're operating and whether or not they're protective or adequately protective of our revenue stream. The only facility in which we currently have a video camera is at the Bergen Point Country Club, which is operated by a private licensee who installed it at my request in 2000.

LEG. ALDEN:

Second to the tabling motion.

CHAIRPERSON FIELDS:

All in favor? Opposed? Tabled.

(VOTE: 4-0-0-1) (Absent; Leg. Lindsay)

1102. Authorizing, empowering and directing County Parks Department to conduct an Environmental/Operational Review before reopening skeet shooting range near Southaven Park in Yaphank, Town of Brookhaven. (TOWLE)

CHAIRPERSON FIELDS:

IR 1102. This bill was altered from an original bill that Legislator Towle put in and now has been changed so that we are looking for consultants who have expertise in the field to go out and evaluate

both sound and the environmental portion of it so that it may or may not be run as a facility and the reasons why it can or it can't. And I'm going to make a motion to approve, and Legislator Alden it looks like you're chomping at the bit.

LEG. ALDEN:

Yes. No. I just have a question whether you can answer it or Paul or the Commissioner. Under this bill, how long approximately would it be before the range could reopen?

CHAIRPERSON FIELDS:

We can all guess, but I -- I'll give you what my point is -- or no. I'm going to give it to you because you know exactly where we are in the process right now, and that might help you, and he'll share that with you.

LEG. FOLEY:

Legislator Alden is looking for a target date.

COMMISSIONER SCULLY:

Mine would still be a guesstimate, but I'll do my best. You need to recognize moving -- let's move backwards in time from a point in which we have a licensee selected to operate the range. We need -- once we get done with the work that's envisioned under these resolutions, which I think is probably about a 60 day process, we would then have to issue a request for proposals, give potential responders time to formulate those proposals and get them back to us, and then give an RFP Committee time to review the proposals, interview proposers and ultimately make a recommendation to the Commissioner who would select

one. So I think that the earliest you could expect the selection of a proposer would be 120 days. So I think we're talking about a four month time frame minimum, unfortunately.

LEG. ALDEN:

I have a question for the sponsor of the bill. Is it your opinion that this is going to speed the process along, or if we didn't have a bill like this, and the Commissioner were to act on his own to reopen the range, would he be freer to get it going in a faster manner?

CHAIRPERSON FIELDS:

Because of this bill is why this whole process has -- has begun. The range has been closed for six months, and there wasn't anything done with it. So the activity has prompted the department to move forward, and in addition, there is money that has to be allotted to have these two consultants do the evaluation. And it can only be accomplished if these bills are -- if this bill is passed, and they can then be paid to evaluate the range. And I believe that through the work of the

department and the Health Department and the Parks Department and the Commissioner with the cooperation of the County Executive's Office it is moving a lot faster than it would have been, and I will continue to be very verbal and involved to see that it, you know, follows that same speed.

LEG. CARPENTER:

I don't mean to put you on the spot, but did you say that you felt it would take 60 days to do the work, the evaluation process?

COMMISSIONER SCULLY:

For the evaluation of the proposals once they're received by us?

LEG. CARPENTER:

No. No.

COMMISSIONER SCULLY:

Oh, for the consultants to do the work contemplated on these RFPs.

LEG. CARPENTER:

Right.

COMMISSIONER SCULLY:

Let me just pull the documents, see if there is a time frame contained in there, if you allow me.

LEG. CARPENTER:

Okay. I thought I had heard 60 days, and I know the resolution says 90 days. So I'm just, you know, anxious based on the communications I've had from people that I represent to move this process along as quickly as possibly. So even if it's, you know, a month that we can shave off of it, I would like to do that.

CHAIRPERSON FIELDS:

In conversation that I had with some of the these consultants when I just, you know, reached out and said, well, what does it take, they said as soon as they were told that they could do the work it would not take long at all, to evaluate it, probably just a few days.

LEG. CARPENTER:

So then may be this 90 day time frame is more then we really need to put in, because once it's there and they know they have three months to do it, there may not be that kind of --

CHAIRPERSON FIELDS:

It can't be changed between now and Tuesday. And the only way that we can get them to do the work -- and they've already sent the letters out asking for the consultants to do the work.

COMMISSIONER SCULLY:

I apologize for the confusion. I know that there's been a lot of discussion back and forth between Legislator Fields and Legislator Towle reaching agreement on a proposal. The request for the proposals indicate a requirement that the work can take no longer than 60 days. That, of course, does not prevent us from asking whether or not the proposers can turn it around more quickly.

LEG. CARPENTER:

Okay. But the resolution says 90 days. So I'm asking if the County Exec, you know, obviously, is supportive of this whole process, I can't see why they wouldn't give a CN. I think it should be changed in here so that they don't longer than they --

CHAIRPERSON FIELDS:

I tried to get a CN last month, and it was --

COMMISSIONER SCULLY:

Well, I'll defer to Counsel, but I think that -- I think what he'll tell you is that if we issue a request for proposals that requires that they do work within 60 days, their relationship with the County would be governed by the request for proposals and not necessarily a resolution. So the protection that you're seeking, I think, might be inherent in our procurement process. I think it may be a non -- a non issue, but I'll defer to Paul.

MR. SABATINO:

That's correct. I mean, the document because it would be less than 90 days would govern. If the document tried to go beyond the 90 days, that would have been a problem. So you can always do less than what the ultimate total authorization is.

LEG. CARPENTER:

So you are, in fact, telling me that the documents that went out or are going out say that the work needs to get back in 60 days.

COMMISSIONER SCULLY:

That's correct I have copies in front of me, and you're welcome to --

LEG. CARPENTER:

No, that's okay. Thank you.

LEG. FOLEY:

Second the motion.

CHAIRPERSON FIELDS:

This has been an ongoing discussion between my office and the Parks Department's Office and my urging to get this done yesterday, so I'm as anxious as anybody on this. And I'm glad that the rest of committee is feeling the same way.

LEG. FOLEY:

Second the motion.

CHAIRPERSON FIELDS:

Motion to approve, seconded by Legislator Foley. All in favor?
Opposed?

LEG. ALDEN:

One abstention.

(VOTE: 3-0-1-1) (Abstention; Leg. Alden) (Absent; Leg. Lindsay)

1242. Amending the 2002 Capital Program and Budget appropriating construction funds for renovations to the former Smith Point Bridge toll booth building. (TOWLE)

LEG. ALDEN:

Are we prime with this?

LEG. FOLEY:

We're prime.

CHAIRPERSON FIELDS:

What were the discussions that we had last time, whether or not DPW --

LEG. FOLEY:

Is there -- Madam Chair, may I ask the Commissioner is there new news since the last time the committee reviewed the proposal, discussions either with the sponsor or with DPW or?

COMMISSIONER SCULLY:

I have not had any -- as I indicated at the prior meeting, we really haven't had much involvement in this -- this project. This has been an effort of Legislator Towle directly with the Department of Public Works.

LEG. ALDEN:

Specifically last time, I had a question as far as where this was in the Capital Program, and I think I received information that it wasn't in the Capital Program.

LEG. FOLEY:

It was -- he was amending this year's Capital Program to utilize --

LEG. ALDEN:

Not just to bring a project forward from -- you know, from future years, but this is to create this program. Okay.

LEG. FOLEY:

Correct.

LEG. ALDEN:

And DPW is not represented here today, right?

LEG. FOLEY:

No, they're not.

LEG. FOLEY:

Madam Chair.

CHAIRPERSON FIELDS:

If we have questions, then I would make a motion to table it.

LEG. FOLEY:

Okay. I'm going to, as someone who represents just to the south of this particular toll booth, Smith Point Beach proper, I had mentioned Legislator Towle that for at least one committee cycle I would -- I agreed to table the resolution, but thereafter I'd like to see it moved forward. However has the sponsor of the bill reached out to you about the need to -- to move it today or say that there was any kind of urgency to move it today?

CHAIRPERSON FIELDS:

No.

LEG. FOLEY:

And we are meeting in two weeks time; is that not correct?

CHAIRPERSON FIELDS:

Yes.

LEG. FOLEY:

All right. So perhaps if we can hear from the sponsor --

CHAIRPERSON FIELDS:

Maybe what we'll do is we will call him, you know, after this meeting and see what his suggestions would be. And, in fact, when we meet again ask DPW to come and answer any questions. So we'll table it at least one more time, and then see what we can do the next meeting. So we made a motion to table, second -- who seconded the motion?

LEG. ALDEN:

I'll second it.

CHAIRPERSON FIELDS:

All in favor? Opposed? TABLED (VOTE: 4-0-0-1) (Absent; Leg. Lindsay)

INTRODUCTORY RESOLUTIONS

IR 1276. To implement retention of Technical Consultant in connection with Forsythe Meadows property damage. (FISHER)

CHAIRPERSON FIELDS:

I will make a motion to approve.

LEG. ALDEN:

What happened at Forsythe Meadows?

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COMMISSIONER SCULLY:

Just to point out for the benefit of the committee that the resolution is incomplete by virtue of the blank space in the first resolve clause. This is a resolution emanating from a dispute over the installation of a fence on the Forsythe Meadows property in Stony Brook. You may recall it was the subject of discussion before the Parks Committee last year. Resolution Number 1147 of 2001 directed my office to recommend a technical consultant to assess and environmental damage to the property. I asked my environmental staff to identify several individuals who might be suitable consultants and forwarded those recommendations to satisfy the requirement of the resolution. I haven't spoken with the bill sponsor, but I think that what she would tell you that she'd really real like to see the -- we've had some discussions with the company that the County purchased the property from and who installed the fence about them coming forward and taking responsibility for some restoration. And I spoke with her yesterday and she recommended I meet with the landscaper and landscape architect for that -- for that company. So I think I can safely recommend that the resolution should be tabled, especially by virtue of the fact that the resolve clause has a blank in it where the name of the firm should be included.

LEG. CARPENTER:

Motion to table.

CHAIRPERSON FIELDS:

Second the motion. All in favor? Opposed?

TABLED (VOTE: 4-0-0-1) (Absent; Leg. Lindsay)

IR 1335. Amending the 2002 Capital Budget and Program and appropriating funds in connection with paving improvements and lighting at County parks. (COUNTY EXEC)

LEG. FOLEY:

Which parks?

COMMISSIONER SCULLY:

This is an appropriating resolution to begin the process of executing and administering the 2002 Capital Program. Project 7079 is used for paving and providing lighting, but in recent years we've taken to do -- to doing paving with it exclusively. In very few instances we'll provide paving of areas not yet paved where we feel that's warranted,

and other situations we'll repave areas that require attention. The \$100,000 provided here would be used for three projects; a parking lot at Shinnecock East County Park, a new camp road at -- the paving of a camp road at Sears Bellows County Park in Hampton Bays and repaving of the museum and parking lot at West Sayville Country Club.

LEG. FOLEY:

Just in light of -- in light of the fact that we've had discussions and resolutions about light and light pollution and issues related thereto, what kind of lighting are we -- are we looking? Are you looking at different kinds of lighting now to install in parks -- parks throughout the County as opposed to regular street lighting?

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COMMISSIONER SCULLY:

The -- with regard to this Capital Project, we don't have any plans to utilize any of the funding for lighting --

LEG. FOLEY:

It's all for pavement.

COMMISSIONER SCULLY:

It's all for pavement.

LEG. CARPENTER:

Motion.

LEG. ALDEN:

Just on the motion. Commissioner, why is it amending then? This was for future years, and we're moving it up a little bit.

LEG. FOLEY:

It's an appropriation.

COMMISSIONER SCULLY:

I think it's a simple -- simple appropriating resolution, although I have to tell you that in my experience with trying to navigate my way through some of these Capital Budget appropriating resolutions from time to time, I myself become confused. I think what -- what's happening is here -- here is that we're simply appropriating \$100,000 of what was originally scheduled as quote G money, but as a result of the issue involving the Capital versus Operating Budget as it relates to G money, this would constitute an amendment to the Capital Budget.

CHAIRPERSON FIELDS:

I'll second the motion. All in favor? Opposed?

APPROVED (VOTE: 4-0-0-1) (Absent; Leg. Lindsay)

1336. Amending the 2002 Capital Budget and Program and appropriating funds in connection with the reconstruction of spillways in County parks. (COUNTY EXEC)

LEG. FOLEY:
Motion.

LEG. CARPENTER:
Second.

CHAIRPERSON FIELDS:
All in favor? Opposed?
APPROVED (VOTE: 4-0-0-1) (Absent; Leg. Lindsay)

1337. Amending the 2002 Capital Budget and Program and appropriating funds in connection with the restoration of Smith Point County Park. (COUNTY EXEC)

CHAIRPERSON FIELDS:
What is this actually going to do?

COMMISSIONER SCULLY:
We -- we're proposing to utilize the funding provided, \$750,000 for two purposes; \$350,000 of it had been included at the -- in the Capital Program at the request of Legislator Towle, specifically for the construction of a skate park at the -- at Smith's Point. So we'll -- the \$350,000 in construction money we're seeking to appropriate here would be utilized for that purpose consistent with the budget. The \$400,000 we're seeking to appropriate for planning purposes is geared to help us begin planning for the reconstruction or new construction of the pavilion consistent with the results of the master plan update, which we've recently undertaken with the Department of Public Works.

CHAIRPERSON FIELDS:
Isn't there some discussion about whether or not the building is going to have to move, though?

COMMISSIONER SCULLY:
Yes, there is.

CHAIRPERSON FIELDS:
So would it be prudent to pass this and then later on find out that the building has to be moved?

COMMISSIONER SCULLY:

No. We -- certainly we couldn't move forward with the planning of the structure until we determine whether or not it should be moved. But we're hoping to get into that process by later in 2002. So we fell it's -- it's appropriate for us to ask that the funds be appropriated now.

LEG. FOLEY:

Part of the planning process would be -- through the Chair to the Commissioner -- to use -- to use the consultant to help make determinations -- not determinations, to come up with a menu of options or issues that would have to be looked, the pros and cons of moving the pavilion back or not moving it back, is that one of the reasons why you want to hire -- what are the reasons to hire the consultant with the issue of making some determinations about moving the -- moving the pavilion further to the north?

COMMISSIONER SCULLY:

Well, the history, obviously, is that the -- through the early and mid 1990s the Smith Point area suffered some severe storm incidents within a three year period. Two 40 year storms impacted the beach, as you all know. And the County invested a significant amount in trying to protect the existing pavilion, both through placement of sand to restore and protect the pavilion, only to see that material attacked by mother nature and the installation of a steel {reventment}, a 34 foot steel sheet in front of the pavilion area, which is the, you know, the structure of last resort in terms of the pavilion.

In 2001 we got to the point in the implementation of the Smith Point master plan, where we needed to begin making decisions about the refurbishment or rehabilitation of the pavilion. It was at that time when I questioned whether or not rebuilding it in its current location

had any long term viability. We began talking to some of the other governmental agencies which have some jurisdiction or some expertise on shore line erosion issues; the Department of State, Army Corps of Engineers, New York State DEC and even Fire Island National Seashore. And the consensus of opinion would be that the County should probably take another look at the use of the current location.

So with that information in hand -- and you were good enough to attend the meeting at Smith Point to discuss the issue -- we agreed that the efforts to date had not taken a hard enough look at the issue of the current location of the pavilion, what the long term viability of that spot is, and whether or not it made any sense or whether it would be prudent for us to rebuild the pavilion in its current footprint or, as suggested by some of the other agencies involved, to move it further north into the area which is currently the parking lot. We decided at

that point to undertake an update of the Smith Point master plan that provided a little bit more focus on the offshore erosion issue and what the long term implications for the beach would be. The Department of Public Works is administering the agreement, but we have Greenman Pedersen on board, and they've retained an subcontractor, who's a nationally renowned expert in shoreline erosion issues. And the end -- the end game is for them to help us make a decision as to what would be required to undertake a restoration of the beach that would be adequately protective as opposed to just bringing sand by vehicle onto the beach and allowing it to wash away and to take a harder look at the issue of the location of the pavilion and where it needs to be located in long term.

We've also had discussions with both Legislator Towle and the Department of Public Works about the possibility of undertaking some interim improvement to the existing pavilion as this process moves forth, but those would be minimal and cosmetic in nature, and we are anxious to get on with the business of designing the future pavilion once the master plan update is completed. We hope that's going to happen within three or four months. The projected time frame for completion of the update was 6 months at the time the contract was signed.

CHAIRPERSON FIELDS:

I'm not comfortable with appropriating funds, according to the title, amending the budget and appropriating funds in connection with the restoration of Smith Point County Park when we don't really have the actual plan before us, and that it is probably and should be altered because of the storm damage, and, you know, it would be silly to approve it and just restore it where it is now and then have it damaged with the upcoming hurricane season. And I would think that as we get closer to knowing that information we could pass, you know, this resolution at that time and be more prepared to look at what -- what it is that we're really passing.

COMMISSIONER SCULLY:

Just to clarify that the fund requested would be used for planning purposes only. And is it not intends for use in construction of the pavilion in any way. So there's no way that would lock you into any construction option or location. In fact, the opposite is the intention, that only upon completion of the work being done in the

master plan update would we make the type of decision we need to make about the location and begin the planning process.

LEG. FOLEY:

Is the 350,000 -- most of that money is for the skate board park?

COMMISSIONER SCULLY:

I'll stand corrected if I'm wrong, but I think it's specifically earmarked for that item in the Capital Program.

LEG. FOLEY:

Looking at the backup, it says, a skate board park, fishing pier, check-in booth and other improvements are need -- as needed are anticipated for this year as well. Is this -- are these monies part -- will some of these monies be used for a fishing pier or do you have monies already available for a fishing pier?

COMMISSIONER SCULLY:

The fishing pier is part of the previously approved master plan and the --

LEG. FOLEY:

Because as far as construction of it -- as I read this, this is to construct a fishing pier this year with these monies?

COMMISSIONER SCULLY:

No, not with these monies. If, in fact, we constructed a fishing pier, it would have to be with other funds that may already be available in the Smith Point restoration project.

LEG. FOLEY:

Well, this is principally for a skate board park.

COMMISSIONER SCULLY:

The construction money is earmarked for that purpose in the Capital Program.

LEG. FOLEY:

Just to play devil's advocate, if, in fact, the -- and I know this is -- this is something of priority for Legislator Towle, but if, in fact, the review of the planning -- planning for the park would state, for instance, that the skate board -- skate board should go in a different part of the park, then where we're constructing it -- I mean, are we jumping the gun on the skate board park now without having of benefit of having a consultant review the plans for the park at large that you are contemplating with the other monies? I mean, that's just a concern I would -- and I know that you're trying to respond to Legislator Towle's request, I understand that.

COMMISSIONER SCULLY:

I think that we're -- you're asking the same type of question that Legislator Fields is, and her -- she doesn't have a high level of comfort that she knows exactly where the building is going to go until the master plan update is completed. I think that's what I'm hearing from Legislator Fields.

CHAIRPERSON FIELDS:

But I think the second part of the question is if you read the title, we are appropriating funds in connection with the restoration of Smith Point County Park, then it talks about necessary for planning and design purposes is what the additional funds are necessary for, and then on the second page it them says, planning, \$400,000 and then restoration of Smith Point Park, 350. I'm not comfortable with the 350. And if that -- if the money is indeed just for planning of restoration, then this other money should not be here.

LEG. FOLEY:

That 350 is for the skate board park.

CHAIRPERSON FIELDS:

Yeah, then -- then the title should -- I think this needs to --

LEG. FOLEY:

We should segment the two. I think we should segment the two.

CHAIRPERSON FIELDS:

Right. Right. Absolutely, and them we could, you know -- I'd feel more comfortable.

LEG. ALDEN:

I just have a question too. The master plan is going forward whether we pass this or not today.

COMMISSIONER SCULLY:

That's correct.

LEG. ALDEN:

Okay. Now, do you feel there is an urgency for the \$400,000 for planning money that's included in this?

COMMISSIONER SCULLY:

Urgency as in do I need it this month?

LEG. ALDEN:

Right.

COMMISSIONER SCULLY:

No. The answer to that question is no. What you see before you are a series of resolutions which appropriate monies in the Capital Program, and we usually present them all together. So the direct answer to your question is if you're asking, Commissioner, do you need to spend this money within the next 30 to 60 days, the honest answer is, no, I don't.

LEG. ALDEN:

Just one quick other question on the appropriations of the 350,000 for the skate board park, that's at a site specific portion of the Smith Point Park?

COMMISSIONER SCULLY:

Yeah. Based on our discussions with Legislator Towle and the Department of Public Works, we have an idea that we think it should be

over in what we call the DARE area or the youth area of the park on the west side of the entrance road.

LEG. ALDEN:

Could the master plan or this other planning -- the planning study that's going to be undertaken, could that come up with some different place?

COMMISSIONER SCULLY:

It's possible that it could.

LEG. ALDEN:

Yeah, as pointed out by Legislator Foley.

LEG. FOLEY:

What's really important here, I understand Legislator Towle's point of view of -- and there is an ongoing issue of Smith Point Park, how it's trying to be both a community park for those who live right across the bridge, as well as a County Park for everyone in the County, but to me the real important issue, as important as the skate board park is for some, but the more important -- the larger issue is what do we do with the pavilion? And it's something that the Commissioner has been endeavoring in good faith to work on for quite a period of time. As he mentioned earlier, there was a meeting of a variety of -- of levels of government sometime ago. In fact, that very day where we had a meeting, last spring I think it was or late winter, the metal sheathing was being scoured by -- by very strong southerly wind that was bringing the waves literally right up to the -- right up to the metal sheathing. Just so to reinforce the point that we need to do something about the pavilion, and I think in order to -- not only to give us options, but also to move this process forward, we need to this year, I think, to come up with some final determination on where we want to place the pavilion. And I think what the Commissioner is saying, we can make a snap judgment on that, but I think in order to do the process justice by hiring professionals in this particular area to gives us a whole menu of options and then we can make some judgements at -- at the end of the process as to whether we want to move it or not. But I think we need to have the consultancy in place to help make that -- that kind -- to help us make that determination. And the real promise here is and we have it on the record from the state and federal representatives that where there that as much as they're encouraging us, the State Department of State, the State DEC, the Army Corps of Engineers, they would be willing to go to bat to help defray the cost to the County if, in fact, we have to move it -- move the pavilion back or knock the pavilion down and start a new in a parking lot area. Because it's our understanding that it could trouble the cost of what we would have otherwise spent in the area of 5 million, it could be as high as 15 million.

CHAIRPERSON FIELDS:

I'm going to make a motion to table this.

LEG. FOLEY:

I'll second that.

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CHAIRPERSON FIELDS:

I will call the -- I will call the Legislator whose district this is in and ask that -- or inform him that -- that the skate board portion of this facility should be in the a separate bill. It looks this is the County Executive's bill, though, and it's not Fred Towle's. So, you know, I would recommend to the County Executive's Office that it be broken in two and then I think that the committee would feel more comfortable with passing the planning portion of this. Motion to table.

LEG. FOLEY:

Motion.

CHAIRPERSON FIELDS:

All in favor? Opposed? TABLED (VOTE: 4-0-0-1) (Absent; Leg. Lindsay)

1338. Amending the 2002 Capital Budget and Program and appropriating funds in connection with pesticide free organic maintenance equipment. (COUNTY EXEC)

CHAIRPERSON FIELDS:

Commissioner.

COMMISSIONER SCULLY:

Once again, the resolution would amend the Capital Budget and provide funding for equipment for the golf courses that previously had been proposed for funding through G money in the -- in the Capital Program. The equipment that we're talking about is equipment we'd be utilizing to move this forward in organic parks maintenance in the golf courses, compost brewers. For the first time, the department would have a compost brewer, hydro eject units, some spreaders, sprayers, dethatchers, top dressers, equipment of that nature. Over the past several years with the support of the County Executive and this Legislature, we've made some real progress in terms of the antiquated equipment that we've had at the golf courses. This would continue that process, and for the first time, put us in a position where we'd be able to create our own compost tee to apply to the golf course as an alternative to chemical fertilizers. So we're very, very excited about it.

LEG. CARPENTER:
Motion.

CHAIRPERSON FIELDS:
I'll make a motion to approve -- Legislator Carpenter makes the motion, I'll second. All in favor? Opposed?
APPROVED (VOTE: 4-0-0-1) (Absent; Leg. Lindsay)

1340. Amending the 2002 Capital Budget and Program and appropriating funds in connection with improvements to historic sites and buildings at the Third House in Montauk. (COUNTY EXEC)

CHAIRPERSON FIELDS:
Legislator Alden.

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LEG. ALDEN:
Correct me if I'm wrong, at a Trustees meeting recently, there was a proposition put forward to use some of the -- that sales tax on stays that people take in Suffolk County to actually implement these improvements; is that correct, or is this in --

COMMISSIONER SCULLY:
Yes. You have a good memory. At the meeting in which I was not present, Trustee Richard White, from the Town of East Hampton, inquired as to whether or not proceeds of the hotel-motel tax could be utilized to offset the cost to the County of Capital improvements to Third House. That resulted in the discussion or the presentation I made at the subsequent meeting of the Parks Trustees explaining the uses to which the -- those funds are currently put and why we didn't feel it was -- we felt it was more important to utilize those funds for operating expenses in some of the maintenance needs that we're meeting with them currently as opposed to trying to offset Capital expenses.

LEG. ALDEN:
Thanks.

LEG. FOLEY:
Motion,

LEG. CARPENTER:
Second.

CHAIRPERSON FIELDS:
Motion by Legislator Foley, seconded by Legislator Carpenter. All in

favor? Opposed? APPROVED (VOTE: 4-0-0-1) (Absent; Leg. Lindsay)

1347. Amending the 2002 Capital Budget and Program and appropriating funds in connection with improvements at County golf courses - West Sayville and Indian Island. (COUNTY EXEC)

CHAIRPERSON FIELDS:

I make a motion to approve.

LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

Seconded by Legislator Foley. All in favor? Opposed?

APPROVED (VOTE: 4-0-0-1) (Absent; Leg. Lindsay)

Motion to adjourn.

LEG. FOLEY:

We have a Sense Resolution.

MS. SKIBER:

No, that was withdrawn.

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CHAIRPERSON FIELDS:

Motion to adjourn.

(*THE MEETING WAS ADJOURNED AT 2: 10 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY

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